

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-14 ISO-00 CG-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 SAM-01 CEQ-02 COA-02 COME-00 EB-11

EPA-04 NSF-04 SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20

DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 OIC-04 TRSE-00

AF-10 ARA-16 EA-11 EUR-25 NEA-10 DRC-01 /270 W

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R 012348Z MAR 74

FM USMISSION USUN NY

TO SECSTATE WASHDC 2936

C O N F I D E N T I A L USUN 722

E.O. 11652: GDS

TAGS: PFOR PBOR UN

SUBJ: LAW OF THE SEA--CONSULTATIONS ON CONFERENCE PROCEDURES
(CONCLUSION)

1. SUMMARY: AT CONCLUDING CONSULTATIONS ON CONFERENCE PROCEDURES
1 MARCH, AMERASINGHE'S PROPOSAL FOR A FURTHER ROUND OF CONSULTATIONS
BUT AT SENIOR LEVEL IN NYC 12-14 JUNE WAS AGREED. UK TABLE USEFUL
PROPOSAL ON RULE 37 CONCERNING DEFERRAL OF VOTING.

2. DETAILS. CANADA AND NETHERLANDS SUPPORTED 7-POWER PROPOSAL
ON RULE 37(REPORTED USUN 700). USSR AND FRANCE MADE STRONG STATEMENTS
ALONG LINES OF US INTERVENTION 28FEB. KOLESNIK EMPHASIZED IMPORTANCE
OF AGREED PROCEDURES, DANGERS OF PREMATURE VOTING ON SIMPLE-MAJORITY
FORMULATIONS ON SUBSTANCE, AND REGRETTED THAT DELS HAD NOT IN CURRENT
ROUND EXHIBITED SUFFICIENT AWARENESS THESE FACTORS. USSR COULD NOT
SUPPORT 7-POWER TEXT IN ITS PRESENT WORDING, HE SAID. OGISO SAID
JAPAN HAD NUMBER OF RESERVATIONS RE 7-POWER SUGGESTION AND OPPOSED
A TIME LIMIT ON THE PERIOD OF DEFERRAL, MAJORITY VOTING IN MC'S ON THE

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QUESTION WHETHER EFFORTS AT CONSENSUS HAD BEEN EXHAUSTED, AND THE

REFERENCE TO THE GA. BY WAY OF MERE FOOTNOTE. FRANCE (JEANNEL) SUPPORTED THE AFGHAN/NEPAL/ZAMBIA PROPOSAL BUT WOULD WANT ENTIRETY OF THE GA. INCLUDED IN THE RULES, PARTICULARLY THE INTERRELATIONSHIP OF OCEANS ISSUES ASPECT; HE TOO RIDICULED WHAT PROPOSED TO BE INCLUSION OF THE GA. IN THE RULES BY WAY OF A FOOTNOTE TO RULE 37, AS PROPOSED IN THE 7-POWER TEXT, AND THOUGHT THAT, ALL THINGS CONSIDERED, IT MIGHT BE BEST TO RETURN TO THE US IDEA FOR ADOPTION BY THE CONFERENCE OF A RESOLUTION CONTAINING THE GA.

3. AT THE PM MEETING THE UK TABLED A NEW RULE 37 PROPOSAL (FOR TEXT SEE LAST PARA THIS TEL). BULGARIA, POLAND, MALTA, BYELORUSSIA AND GREECE STRESSED IMPORTANCE OF WIDE-RANGING AGREEMENT ON CONFERENCE PROCEDURES. PERU SUGGESTED THE CONFERENCE NEITHER ADOPT THE GA. BY MEANS OF A RESOLUTION NOR TRY TO INCLUDE THE GA. IN ITS RULES OF PROCEDURES BUT, INSTEAD, ADOPT THE GA. AS A GA. PRECISELY

AS HAD THE GENERAL ASSEMBLY AND THE FIRST COMMITTEE. CHINA THOUGHT THE 7-POWER SUGGESTION COULD BE A BASIS FOR FURTHER CONSULTATION, NOTWITHSTANDING AMBIGUITIES TO WHICH A NUMBER OF AF DELS HAD POINTED; CHINESE REP AT SOME LENGTH ACCUSED "A CERTAIN DELEGATION" OF PRETENTIONS TO ENTITLEMENT TO RULE OVER THE WHOLE CONFERENCE. MEXICO AGREED TO STUDY RULE 37 AND TO MAKE STRONG EFFORTS TO REACH NEGOTIATED SOLUTIONS DURING THE JUNE CONSULTATIONS. US(MOORE) COMMENDED AMERASINGHE ON INITIATIVE IN CALLING THE 12-14 JUNE CONSULTATIONS, AND HOPED FULL CONFERENCE LEADERSHIP WOULD PARTICIPATE SO THAT, AS FRANCE HAD EARLIER NOTED, AGREEMENT ON THE RULES COULD BE RECORDED ON THE FIRST DAY OF THE CONFERENCE AND THE ENTIRETY OF THE SESSION THUS BE DEVOTED TO SUBSTANCE. VENEZUELA (AGUILAR) ECHOED THESE THEMES, ESPECIALLY THE CALL FOR HIGH-LEVEL PARTICIPATION IN THE PRE-CONFERENCE CONSULTATIONS. THE SESSION ENDED WITH A PLEA BY AMERASINGHE THAT NEGOTIATORS TRY TO ADDRESS THE GA. SENSIBLY SO AS NEITHER TO MAKE IT AN INSUPERABLE BARRIER TO AGREEMENT NOR A MERE EXPRESSION OF PIOUS WISH THAT COULD BE IGNORED AT WILL.

4. TEXT OF BRITISH SUGGESTION ON RULE 37 READS AS FOLLOWS/

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INFORMAL SUGGESTION CONCERNING RULE 37 BY THE UNITED KINGDOM

1. EVERY EFFORT SHALL BE MADE TO REACH AGREEMENT ON MATTERS OF SUBSTANCE BY WAY OF CONSENSUS. TO THIS END, THE PRESIDENT, IN THE CASE OF THE CONFERENCE, OR THE CHAIRMAN OF A MAIN COMMITTEE, IN THE CASE OF THAT COMMITTEE, MAY, AND SHALL IF REQUESTED BY AT LEAST 15 REPRESENTATIVES, DEFER THE TAKING OF A VOTE ON ANY SUBSTANTIVE MATTER IN THAT

ORGAN OF THE CONFERENCE FOR A REASONABLE TIME SPECIFIED BY THE PRESIDENT OR CHAIRMAN IN CONSULTATION WITH THE OFFICERS OF THE ORGAN CONCERNED, HAVING REGARD TO THE OVERALL PROGRESS MADE ON ALL MATTERS OF SUBSTANCE WHICH ARE CLOSELY INTERRELATED. DURING THIS PERIOD THE MATTER SHALL BE REFERRED TO THE GENERAL COMMITTEE, AND THE GENERAL COMMITTEE SHALL ASSIST THE PRESIDENT OR THE CHAIRMAN, AS THE CASE MAY BE, IN MAKING EVERY EFFORT DURING THE PERIOD OF DEFERMENT TO FACILITATE THE ACHIEVEMENT OF GENERAL AGREEMENT. IF BY THE END OF THE SPECIFIED TIME, AND AFTER HAVING HEARD A REPORT FROM THE PRESIDENT OR CHAIRMAN AND THE GENERAL COMMITTEE, THE ORGAN CONCERNED HAS REACHED NO AGREEMENT, THE VOTE SHALL BE TAKEN AT A SUBSEQUENT MEETING TO BE HELD WITHIN TWO DAYS.

2. IF THERE IS OBJECTION TO PROCEEDING TO A VOTE, A DECISION TO VOTE IN THE PLENARY, FOLLOWING A DEFERMENT UNDER THIS RULE, SHALL REQUIRE A TWO-THIRDS MAJORITY OF THE REPRESENTATIVES OF STATES PARTICIPATING IN THE PARTICULAR SESSION OF THE CONFERENCE. IN THE MAIN COMMITTEES SUCH A DECISION SHALL REQUIRE A SIMPLE MAJORITY OF THOSE REPRESENTATIVES. UNQTE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETING AGENDA, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN00722
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740373/aaaacpwd.tel
Line Count: 136
Locator: TEXT ON-LINE
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 28 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 JUN 2002 by boyleja>; APPROVED <27 JAN 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAW OF THE SEA--CONSULTATIONS ON CONFERENCE PROCEDURES (CONCLUSION)
TAGS: PFOR, PBOR, UN
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005